

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
R. Rogers Yocum et al.

Application No.: 10/520,220

Confirmation No.: 2729

Filed: October 26, 2005

Art Unit: 1652

For: Microorganisms And Processes For Enhanced
Production Of Pantothenate

Examiner: Christian L. Fronda

REPLY UNDER 37 CFR §1.116

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Office Action dated December 17, 2010 in the above-referenced application.

Claims 2-15, 28, 31-33 and 50-65 are currently pending.

Double Patenting

Claims 2-15, 28, 31-33 and 50-65 are rejected on the ground of nonstatutory obviousness-type double patenting over claims 1-17 of U.S. Pat. No. 7,291,489 and claims 1-34 of U.S. Pat. No. 7,244,593. In order to expedite prosecution, Applicants enclose herewith a terminal disclaimer believed to be in compliance with 37 CFR 1.321(c) with the required fee payment.

Claims 2-15, 28, 31-33 and 50-65 are further provisionally rejected on the ground of nonstatutory obviousness-type double patenting over claims 2-6, 11-26, 29-32 and 35-40 of Application Serial No. 11/879,143 (the '143 application). Applicants note that another application, Serial No. 11/682,103 (the '103 application), was also mentioned in this rejection. See Office Action dated December 17, 2010 at page 3. However, Applicants believe that the

reference to the '103 application in the present Office Action should be a typographic error since the '103 application is directed to a subject matter unrelated to the present application.

Applicants further note that the '143 application, upon which the present rejection is based, is abandoned and no longer pending. Accordingly, Applicants believe that this rejection is rendered moot in view of the abandonment of the '143 application and a terminal disclaimer should not be required. The Examiner is invited to telephone the undersigned at the number given below if a terminal disclaimer is nevertheless necessary to overcome the present rejection.

In view of the terminal disclaimer filed hereinwith and further in view of the above remarks, Applicants respectfully requests withdrawal of the rejections and allowance of the claims. If any outstanding issues remain, the Examiner is invited to telephone the undersigned at the number given below.

Applicant reserves all rights to pursue the non-elected claims and subject matter in one or more divisional applications, if necessary.

Accompanying this response is the required fee payment for filing the enclosed terminal disclaimer. No further fee is believed due. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 13311-00036-US from which the undersigned is authorized to draw.

Respectfully submitted,

By / Hui-Ju Wu /
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